

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR NORTHERN DISTRICT OF TEXASJESSICA WEATHERHEAD

Defendant,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 4:13-CR-182-0(03)

Urb

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
AUG 22 2016 10:08
By _____
Deputy _____

MOTION UNDER 28 U.S.C. § 2255 TO CORRECT/MODIFY SENTENCE PURSUANT TO U.S.S.G. App. C. Amend. 794

COMES NOW, Defendant JESSICA WEATHERHEAD pro se, and moves this Honorable Court for a sentence reduction pursuant to the retroactive Amendment 794 to the U.S.S.G. specified under United States v Qunitero-Levy, 2016 WL 2865713 (9th Cir. 2016) and pursuant to 28 U.S.C. §2255.

1.) On APRIL 28, 2014 Defendant was adjudicated or pled guilty to a violation of 18 U.S.C. § CONSPIRACY TO POSSESS STOLEN MAIL & 18.1708 POSSESSION OF STOLEN MAIL

2.) Under Amendment 794, the Commission explained that when a district court conducts an assessment of whether a defendant should receive a role reduction, "the defendant is to be compared with other participants" in the same crime, not with a hypothetical average participant. The Commission explained that "[f]ocusing the court's attention on the individual defendant and the other participants is more than consistent with the other provisions in Chapter Three, Part B." Id.

3.) The Amendment language indicates that the Commission intended it to be a clarifying amendment and changed the language from, "may have had the unintended effect of discouraging courts from applying the mitigating role adjustment in otherwise appropriate circumstances," to, "a defendant who does not have a proprietary interest in the criminal activity and who is simply being paid to perform certain tasks should be considered," for the reduction, and "[t]he fact that a defendant performs an essential or indispensable role in the criminal activity is not determinative." Id.

4.) The Defendant believes that she was "substantially less culpable than the co-defendants on her case for the following reasons: I WAS

VERY YOUNG AND VULNERABLE IN MY DRUG ADDICTION.

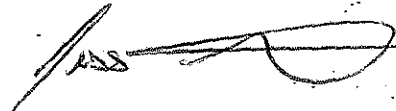
I WAS ALSO IN A RELATIONSHIP WITH ONE OF MY CODEFENDANTS

AND I KNOW I WOULD HAVE NEVER COMMITTED MY CRIME HAD I NOT BEEN INVOLVED WITH THEM. I WAS
QUANTIFIED IN THE CRIME PRIOR TO MEETING MY

5.) While incarcerated, the Defendant has completed the classes and programming following this motion in a transcript from their Bureau of Prisons as attached.

WHEREFORE, Defendant qualifies for a sentence reduction under U.S.S.G. App. C: Amendment 794, it is respectfully requested that the court enter an amended Judgment reducing the Defendant's sentence to reflect the two or four level reduction for a minor or minimal role.

Respectfully Submitted,



JESSICA WEATHERHEAD
Reg # 47038 177 Unit A
Federal Correctional Inst.
P.O. Box 1731
Waseca, MN 56093

CERTIFICATE OF SERVICE

I, JESSICA WEATHERHEAD certify that on AUG. 16, 2016
I mailed a copy of the foregoing first-class, postage-prepaid to:

JUDGE REED O'CONNOR OF NORTHERN DISTRICT OF TEXAS

Respectfully submitted this _____ day of _____, 2016.

Pro Se

WASCE 531.01 *
PAGE 001 OF 001 *

INMATE HISTORY
DRUG PGMS

* 08-09-2016
* 15:37:43

REG NO.: 47035-177 NAME: WEATHERREAD, JESSICA NICOLE
CATEGORY: DRG FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
WAS	DAP DIAG	DRUG ABUSE DIAGNOSIS PENDING	08-07-2016 1509	CURRENT
WAS	ED COMP	DRUG EDUCATION COMPLETE	04-28-2015 1630	CURRENT
WAS	DAP NO INT	DRUG ABUSE PROGRAM NO INTEREST	07-11-2014 1036	08-07-2016 1509
WAS	ED PART R	DRUG EDUCATION PARTICIPNT-REQD	03-25-2015 1554	04-28-2015 1630
WAS	ED WAIT RJ	DRUG EDUCATION WAIT-RQ JUDREC	06-19-2014 0827	03-25-2015 1554
WAS	NR WAIT	NRES DRUG TMT WAITING	07-23-2014 0927	03-04-2015 1113
BRY	DAP DIAG	DRUG ABUSE DIAGNOSIS PENDING	07-01-2014 0852	07-11-2014 1036
BRY	DAP SCREEN	DRUG ABUSE PROGRAM SCREENING	06-26-2014 0919	07-01-2014 0852
BRY	DAP REFER	DRUG ABUSE PROGRAM REFER	06-23-2014 1224	06-26-2014 0919

G0000 TRANSACTION SUCCESSFULLY COMPLETED

WASCE *
PAGE 001 OF 001 *

INMATE EDUCATION DATA
TRANSCRIPT

* 08-09-2016
* 11:31:05

REGISTER NO: 47035-177
FORMAT.....: TRANSCRIPT

NAME...: WEATHERREAD
RSP OF: WAS-WASECA FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
WAS	ESL HAS	ENGLISH PROFICIENT	08-02-2014 0800	CURRENT
WAS	GED HAS	COMPLETED GED OR HS DIPLOMA	08-02-2014 0800	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
BRY	VARIOUS MACRAME DESIGNS	07-15-2014	07-22-2014	P	C	P	6

G0000 TRANSACTION SUCCESSFULLY COMPLETED

WASCE * INMATE FINANCIAL RESPONSIBILITY * 08-09-2016
 PAGE 001 OF 001 * DISPLAY INMT FINANCIAL OBLG ADJUSTMENTS * 15:55:02

REGNO: 47035-177 OBLG NO: 02 NO. ADJ TO VIEW: 15 FUNC: DSS

NAME.: WEATHERREAD, JESSICA NICOLE TYPE OBLG: RESTITUTION NON-FED VICTIM U

OBLG STATUS.: AGREED OBLG BAL...: 63717.56 OBLG NO: 2

DATE ADDED	FCL	ADJ TYPE	ADJ REASON	ADJ AMT	DEP NO.	DETAIL
08-05-2016	WAS	PAYMENT	INSIDE PMT	86.27		N
07-12-2016	WAS	PAYMENT	INSIDE PMT	95.93	6102	N
06-08-2016	WAS	PAYMENT	INSIDE PMT	174.61	6092	N
05-05-2016	WAS	PAYMENT	INSIDE PMT	174.61	6082	N
04-07-2016	WAS	PAYMENT	INSIDE PMT	164.07	6072	N
03-08-2016	WAS	PAYMENT	INSIDE PMT	172.24	6062	N
02-04-2016	WAS	PAYMENT	INSIDE PMT	179.14	6052	N
01-07-2016	WAS	PAYMENT	INSIDE PMT	108.65	6042	N
12-04-2015	WAS	PAYMENT	INSIDE PMT	89.09	6032	N
11-06-2015	WAS	PAYMENT	INSIDE PMT	88.41	6022	N
10-06-2015	WAS	PAYMENT	INSIDE PMT	102.44	6012	N
09-09-2015	WAS	PAYMENT	INSIDE PMT	63.21	5122	N
08-11-2015	WAS	PAYMENT	INSIDE PMT	76.27	5112	N
07-08-2015	WAS	PAYMENT	INSIDE PMT	46.59	5102	N

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

WASCE * INMATE FINANCIAL RESPONSIBILITY * 08-09-2016
 PAGE 001 OF 001 * DISPLAY INMT FINANCIAL OBLG ADJUSTMENTS * 15:54:49

REGNO: 47035-177 OBLG NO: 01 NO. ADJ TO VIEW: 15 FUNC: DSS

NAME.: WEATHERREAD, JESSICA NICOLE TYPE OBLG: ASSESSMENT USDC

OBLG STATUS.: COMPLETEDZ OBLG BAL...: 0.00 OBLG NO: 1

DATE ADDED	FCL	ADJ TYPE	ADJ REASON	ADJ AMT	DEP NO.	DETAIL
07-08-2015	WAS	PAYMENT	INSIDE PMT	11.98	5102	N
06-05-2015	WAS	PAYMENT	INSIDE PMT	72.65	5092	N
05-06-2015	WAS	PAYMENT	INSIDE PMT	80.37	5082	N
03-11-2015	WAS	PAYMENT	INSIDE PMT	35.00	5061	N

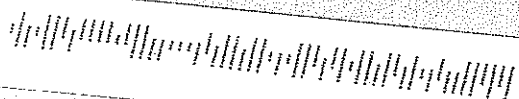
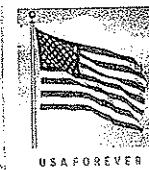
G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

SESSION READING ROOM
FEDERAL CORRECTIONAL INSTITUTION
P.O. Box 1731
WASECA, MN 56093

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT WORTH DIVISION

2016 AUG 22 AM 10:08

CLERK OF COURT



47035-177

Judge Reed O Conner
501 W 10TH ST
Room 201
FORT Worth, TX 76102
United States